

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

KEVIN JOSEPH REESE

§

VS.

§

CIVIL ACTION NO. 6:08cv11

DIRECTOR, TDCJ-CID

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge John D. Love. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. The Report recommended that the claims related to Petitioner's conviction be dismissed with prejudice as time-barred, that Petitioner be denied a certificate of appealability on those claims, and that his remaining claim be dismissed without prejudice for failure to exhaust state court remedies.

Petitioner filed objections to the Report. This Court made a *de novo* review of Petitioner's objections and determined that they lack merit. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that the claims related to Petitioner's conviction are **DISMISSED WITH PREJUDICE**;

ORDERS that Petitioner is denied a certificate of appealability regarding the claims related to his conviction;

ORDERS that all motions not previously ruled on are denied; and

ORDERS that Petitioner's remaining claim is dismissed without prejudice. Petitioner may pursue his state court remedies on the claim dismissed without prejudice.

So ORDERED and SIGNED this 8th day of May, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE